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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

CBU

10 MICHAEL J. WELLS,) Case No. 3:18-cv-00297-LRH-VPC
11 Plaintiff,)
12 v.)
13 LINDA McMAHON, in her official capacity)
as the Administrator of the U.S. SMALL)
BUSINESS ADMINISTRATION, *et al.*,)
14 Defendants.)
15)
) ORDER
) STIPULATION FOR EXTENSION OF
) TIME TO RESPOND TO COMPLAINT
) (First Request)

17 Plaintiff Michael J. Wells (“Plaintiff”) and Defendant Linda McMahon, in her capacity
18 as Administrator of the United States Small Business Administration (“Defendant”), by and
19 through their undersigned counsel, hereby stipulate and agree that Defendant may have up to
20 and including **October 26, 2018** to respond to Plaintiff’s complaint.

21 1. Defendant's response is currently due on August 15, 2018.¹ Additional time is
22 needed, however, because agency counsel recently has been out of the office and defense
23 counsel is scheduled to be out of the office for more than two weeks in August and September.

24 2. An extension would allow Defendant to meaningfully evaluate the allegations of
25 the complaint so as to prepare her response. Plaintiff's counsel has advised that, due to a full
26 trial schedule, he too would prefer that the time for Defendant to respond be extended.

²⁸ ¹ It is Defendant's position that she has not been properly served. By agreeing to this stipulation, Defendant does not waive insufficiency of service of process as a defense.

1 3. This is Defendant's first request for an extension.

2 4. This request is made in good faith and not for the purpose of undue delay.

3 Accordingly, it is hereby proposed, and requested, that the time within which to file a
4 response to the complaint be extended to **October 26, 2018**.

5 Respectfully submitted this 15th day of August 2018.

6 ERICKSON, THORPE &
7 SWAINSTON, LTD.

DAYLE ELIESON
United States Attorney

8 */s/ John C. Boyden*
9 JOHN C. BOYDEN, Esq.
10 PAUL M. BERTONE, Esq.

/s/ Holly A. Vance
HOLLY A. VANCE
Assistant United States Attorney

11 Attorneys for Plaintiff Michael J. Wells

12 Attorneys for Defendant McMahon

13 IT IS SO ORDERED:

14 
15 _____
16 UNITED STATES MAGISTRATE JUDGE

17 DATED: 8/15/2018

20 **CERTIFICATE OF SERVICE**

21 I hereby certify that the foregoing **STIPULATION FOR EXTENSION OF TIME TO**
22 **RESPOND TO COMPLAINT** was served this date on all parties via the Court's Electronic
23 Case Filing system.

24 Dated this 15th day of August 2018.

25 */s/ Holly A. Vance*
26 HOLLY A. VANCE
27 Assistant United States Attorney